## **United States District Court**

EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

KENNETH SMITH, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED,	<b>§</b> <b>§</b>	
Plaintiff,	<b>§</b> §	CIVIL ACTION NO. 4:17-CV-641
v.	<b>§</b> §	
NORTH TEXAS MAINTENANCE, INC., A.L. HELMCAMP, INC. AND CLINT HEMBY, INDIVIDUALLY,	\$ \$ \$ \$	
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## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Defendants.

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 18, 2018, the report of the Magistrate Judge (Dkt. #35) was entered containing proposed findings of fact and recommendations that Defendant Clint Hemby be dismissed from this action based upon the parties' Notice of Dismissal without Prejudice (Dkt. #34). *See id*.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED**, **ADJUDGED**, **AND DECREED** that Defendant Clint Hemby is **DISMISSED WITHOUT PREJUDICE** from this lawsuit, with costs taxed against the party incurring the same.

Plaintiff's claims against Defendant North Texas Maintenance, Inc., and A.L. Helmcamp, Inc., remain pending remain pending at this time.

## IT IS SO ORDERED.

SIGNED this 12th day of July, 2018.

AMOS L. MAZZANT

UNITED STATES DISTRICT JUDGE